

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN**

In the Matter of:

Brandon Heitmann

Debtor

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Case No. 24-41956

Chapter 13

Hon. Mark Randon

ALEX BOYD and REBECCA BOYD

Plaintiffs,

Adv. No. 24-04125-mar

Hon. Mark Randon

State Court Case No. 23-003864-CZ

vs.

BRANDON HEITMANN, AMANDA PISARSKI, KODY  
GRANDCHAMP, HENRY GIRARD BELL,  
CONSTRUCTION CONTRACTORS, LLC, and  
EXPLORE INDUSTRIES USA, INC.,

Defendants,

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**EXHIBITS REGARDING NOTICE OF REMOVAL**

Debtor is attaching the following exhibits regarding the removed case of *BOYD v BRANDON  
HEITMANN, et al*, 23-003864-CZ in the Macomb County Circuit Court:

1. Register of Actions as of 5.17.2024.
2. Boyd Complaint
3. Brandon Heitmann Answer
4. Amanda Pisarski Answer
5. Henry Bell and Construction Contractors Answer

Respectfully submitted

By: /s/ Robert N. Bassel

Robert N. Bassel (P 48420)

Attorneys for Debtor

P.O. Box T

Clinton, MI 49236

248.677.1234

bbassel@gmail.com

# Boyd v Heitmann et al Docket Sheet as of 5.17.2024

**2023-003864-CZ BOYD, ALEX et al vs. HEITMANN, BRANDON et al KAV**

- Case Type:
- CZ-OTHER GENERAL CIVIL
- Case Status:
- Open
- File Date:
- 11/13/2023
- DCM Track:
- TRACK 120 DAYS DISCOVERY
- Action:
- WITH JURY DEMAND
- Status Date:
- 11/13/2023
- Case Judge:
- VIVIANO, KATHRYN A
- Next Event:
- 05/28/2024

[All Information](#)
[Docket](#)
[Party](#)
[Event](#)
[Financial](#)
[Receipt](#)
[Disposition](#)

**Docket Information**

<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>File Ref Nbr.</u>	<u>Amount Due</u>
11/13/2023	ENTRY FEE	ENTRY FEE Receipt: 1399093 Date: 11/13/2023	\$150.00		\$0.00
11/13/2023	JURY FEE	JURY FEE Receipt: 1399093 Date: 11/13/2023	\$85.00		\$0.00
11/13/2023	ELECTRONIC FILING SYSTEM FEE - CIVIL	ELECTRONIC FILING SYSTEM FEE - CIVIL Receipt: 1399093 Date: 11/13/2023	\$25.00		\$0.00
11/13/2023	COMPLAINT/PETITION FILED - CIVIL	COMPLAINT/PETITION FILED - CIVIL ALEX BOYD (PLAINTIFF); REBECCA BOYD (PLAINTIFF); BRANDON HEITMANN (DEFENDANT); AMANDA PISARSKI (DEFENDANT); AMANDA HEITMANN (DEFENDANT); KODY GRANDCHAMP (DEFENDANT); HENRY GIRARD BELL (DEFENDANT); HANK BELL (DEFENDANT); CONSTRUCTION CONTRACTORS LLC (DEFENDANT); EXPLORE INDUSTRIES USA INC (DEFENDANT); IMAGINE POOLS (DEFENDANT);			
11/13/2023	JURY DEMAND	JURY DEMAND			
11/13/2023	SUMMONS ISSUED	SUMMONS ISSUED **EXP 2-12-24** (6)			
11/13/2023	CASE PLACED ON E-FILING STATUS PER ADMINISTRATIVE ORDER 2010-6	CASE PLACED ON E-FILING STATUS PER ADMINISTRATIVE ORDER 2010-6			
12/06/2023	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=132551178)			
12/20/2023	APPEARANCE (LITIGANT'S ATTORNEY)	APPEARANCE (LITIGANT'S ATTORNEY) (OBDH=133066910) APPEARANCE BY RETAINED ATTORNEYS: ANTOVSKI, GORAN AND MAJEWSKI, JUSTIN M. OBO DEFTS CONSTRUCTION CONTRACTORS LLC (DEFENDANT); HENRY GIRARD BELL (DEFENDANT);			
12/20/2023	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=133066901)			

<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>File Ref Nbr.</u>	<u>Amount Due</u>
12/20/2023	APPEARANCE (LITIGANT'S ATTORNEY)	APPEARANCE (LITIGANT'S ATTORNEY) (OBDH=133066907) APPEARANCE BY RETAINED ATTORNEYS: ANTOVSKI, GORAN MAJEWSKI, JUSTIN M. OBO CONSTRUCTION CONTRACTORS LLC (DEFENDANT); HENRY GIRARD BELL (DEFENDANT);			
12/20/2023	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=133066898)			
12/20/2023	MOTION FOR SUMMARY DISPOSITION	MOTION FOR SUMMARY DISPOSITION (OBDH=133066913) DEFTS BELL AND CONSTRUCTION CONTRACTORS MOTION FOR SUMMARY DISPOSITION			
12/20/2023	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=133066902)			
12/20/2023	NOTICE OF HEARING	NOTICE OF HEARING (OBDH=133066908) NOTICE OF HEARING			
12/20/2023	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=133066897)			
12/20/2023	PROOF OF SERVICE	PROOF OF SERVICE (OBDH=133066914) PROOF OF SERVICE			
12/20/2023	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=133066903)			
12/20/2023	E-FILED REQUEST FOR HEARING	E-FILED REQUEST FOR HEARING (OBDH=133066906) E-FILED REQUEST FOR HEARING			
12/20/2023	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=133066895)			
12/21/2023	HEARING: MTN FOR SUMMARY DISP SCHEDULED	HEARING: MTN FOR SUMMARY DISP SCHEDULED Event: MTN FOR SUMMARY DISPOSITION Date: 01/22/2024 Time: 10:00 am Judge: VIVIANO, KATHRYN A Location: COURT BUILDING - 2ND FLOOR - COURTROOM 2SW  ANTOVSKI / HARRINGTON IN LIEU OF ANSWER  Result: MOTION HEARING ADJOURNED			
12/21/2023	MOTION FEE	MOTION FEE Filing Fee mt Receipt: Date: 12/21/2023 2:50:00 PM Receipt: 1403675 Date: 12/21/2023	\$20.00		\$0.00
01/02/2024	APPEARANCE (LITIGANT'S ATTORNEY)	APPEARANCE (LITIGANT'S ATTORNEY) (OBDH=133343352) APPEARANCE OF NICHOLAS J TATRO EXPLORE INDUSTRIES USA INC (DEFENDANT);			
01/02/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=133343344)			
01/02/2024	MOTION FOR SUMMARY DISPOSITION	MOTION FOR SUMMARY DISPOSITION (OBDH=133343354) DEFT EXPLORE INDUSTRIES USA INCS MOTION FOR SUMMARY DISPOSITION PURS TO MCR 2.116(C)(7) W/ NOTICE OF HRG, BRIEF, CERT OF SERV, & EXHIBS			
01/02/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=133343332)			
01/02/2024	E-FILED REQUEST FOR HEARING	E-FILED REQUEST FOR HEARING (OBDH=133343350) E-FILED REQUEST FOR HEARING			
01/02/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=133343343)			

<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>File Ref Nbr.</u>	<u>Amount Due</u>
01/03/2024	MOTION FEE	MOTION FEE Filing Fee mt Receipt: Date: 1/3/2024 2:27:34 PM Receipt: 1404540 Date: 01/03/2024	\$20.00		\$0.00
01/03/2024	HEARING: MTN FOR SUMMARY DISP SCHEDULED	HEARING: MTN FOR SUMMARY DISP SCHEDULED Event: MTN FOR SUMMARY DISPOSITION Date: 02/12/2024 Time: 10:00 am Judge: VIVIANO, KATHRYN A Location: COURT BUILDING - 2ND FLOOR - COURTROOM 2SW  TATRO / HARRINGTON  Result: HELD - TAKEN UNDER ADVISEMENT			
01/11/2024	MOTION HEARING ADJOURNED	MOTION FOR SUMMARY DISPOSITION ADJOURNED TO 02-05-2024 10:00 AM PER MOVING ATTORNEY ANTOVSKI VIA EMAIL; MOVING PARTY TO RE-NOTICE  The following event: MTN FOR SUMMARY DISPOSITION scheduled for 01/22/2024 at 10:00 am has been resulted as follows:  Result: MOTION HEARING ADJOURNED Judge: VIVIANO, KATHRYN A Location: COURT BUILDING - 2ND FLOOR - COURTROOM 2SW			
01/11/2024	HEARING: MTN FOR SUMMARY DISP SCHEDULED	HEARING: MTN FOR SUMMARY DISP SCHEDULED  The following event: MTN FOR SUMMARY DISPOSITION scheduled for 01/22/2024 at 10:00 am has been rescheduled as follows:  Event: MTN FOR SUMMARY DISPOSITION Date: 02/05/2024 Time: 10:00 am Judge: VIVIANO, KATHRYN A Location: COURT BUILDING - 2ND FLOOR - COURTROOM 2SW  ANTOVSKI / HARRINGTON IN LIEU OF ANSWER  Result: HELD - TAKEN UNDER ADVISEMENT			
01/11/2024	RE-NOTICE OF HEARING	RE-NOTICE OF HEARING (OBDH=133670069) RE-NOTICE OF HEARING			
01/11/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=133670066)			
01/30/2024	BRIEF IN SUPPORT	BRIEF IN SUPPORT (OBDH=134215084) BRIEF IN SUPPORT OF PLTFS RESPONSE TO DEFTS HENRY GIRARD BELL AKA HANK BELL & CONSTRUCTION CONTRACTORS LLCs MOTION FOR SUMMARY DISPOSITION W/ EXHIBS			
01/30/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=134215079)			
01/30/2024	RESPONSE TO MOTION	RESPONSE TO MOTION (OBDH=134215085) PLTFS RESPONSE TO DEFTS HENRY GIRARD BELL AKA HANK BELL & CONSTRUCTION CONTRACTORS LLCs MOTION FOR SUMMARY DISPOSITION			
01/30/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=134215078)			
02/01/2024	BRIEF IN RESPONSE	BRIEF IN RESPONSE (OBDH=134317106) DEFTS BELL & CONSTRUCTION CONTRACTORS REPLY TO PLTFS RESPONSE TO DEFTS HENRY BELL & CONSTRUCTION CONTRACTORS MTN			

<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>File Ref Nbr.</u>	<u>Amount Due</u>
		FOR SUMMARY DISPOSITION			
02/01/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=134317103)			
02/05/2024	RESPONSE TO MOTION	RESPONSE TO MOTION (OBDH=134401064) BRIEF IN SUPPORT OF PLTFS RESPONSE TO DEFT EXPLORE INDUSTRIES USA INCS D/B/A IMAGINE POOLS MOTION FOR SUMMARY DISPOTIION			
02/05/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=134401060)			
02/05/2024	RESPONSE TO MOTION	RESPONSE TO MOTION (OBDH=134401065) PLTFS RESPONSE TO DEFT EXPLORE INDUSTRIES USA INCS D/B/A IMAGINE POOLS MOTION FOR SUMMARY DISPOSITION			
02/05/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=134401061)			
02/05/2024	HELD - TAKEN UNDER ADVISEMENT	<p>MOTION FOR SUMMARY DISPOSITION HELD: TAKEN UNDER ADVISEMENT, OPINION AND ORDER TO ISSUE</p> <p>The following event: MTN FOR SUMMARY DISPOSITION scheduled for 02/05/2024 at 10:00 am has been resulted as follows:</p> <p>Result: HELD - TAKEN UNDER ADVISEMENT Judge: VIVIANO, KATHRYN A Location: COURT BUILDING - 2ND FLOOR - COURTROOM 2SW</p> <p>HELD ON THE RECORD COURT REPORTER: VIDEO CIRCUIT Certificate #:</p>			
02/05/2024	RESPONSE TO MOTION	RESPONSE TO MOTION (OBDH=134407093) DEFTS BELL & CONSTRUCTION CONTRACTORS RESPONSE TO DEFT EXPLORE INDUSTRIES LLCs MOTION FOR SUMMARY DISPOSITION UNER MCR 2.116 (C)(7) W/ BRIEF			
02/05/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=134407091)			
02/07/2024	MOTION FOR SECOND SUMMONS	MOTION FOR SECOND SUMMONS (OBDH=134494433) MOTION FOR SECOND SUMMONS AND ORDER - SGD *EXP 04-12-2024*			
02/07/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=134494429)			
02/07/2024	E-FILED REQUEST FOR HEARING	E-FILED REQUEST FOR HEARING (OBDH=134494435) E-FILED REQUEST FOR HEARING			
02/07/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=134494430)			
02/08/2024	MOTION FEE	<p>MOTION FEE</p> <p>Filing Fee mt Receipt: Date: 2/8/2024 2:34:40 PM Receipt: 1408642 Date: 02/08/2024</p>	\$20.00		\$0.00
02/08/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=134547999)			
02/08/2024	BRIEF IN SUPPORT OF MOTION	BRIEF IN SUPPORT OF MOTION (OBDH=134554579) DEFT EXPLORE INDUCTRIES USA, INCS REPLY BRIEF IN SUPPORT OF ITS MOTION FOR SD			
02/08/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=134554577)			

<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>File Ref Nbr.</u>	<u>Amount Due</u>
02/12/2024	HELD - TAKEN UNDER ADVISEMENT	<p>MOTION FOR SUMMARY DISPOSITION HELD: TAKEN UNDER ADVISEMENT, OPINION AND ORDER TO ISSUE; STATUS CONFERENCE SET FOR 02-27-2024 08:30 AM - OTE</p> <p>The following event: MTN FOR SUMMARY DISPOSITION scheduled for 02/12/2024 at 10:00 am has been resulted as follows:</p> <p>Result: HELD - TAKEN UNDER ADVISEMENT Judge: VIVIANO, KATHRYN A Location: COURT BUILDING - 2ND FLOOR - COURTROOM 2SW</p> <p>HELD ON THE RECORD COURT REPORTER: VIDEO CIRCUIT Certificate #:</p>			
02/13/2024	STATUS CONFERENCE SCHEDULED	<p>STATUS CONFERENCE SCHEDULED Event: STATUS CONFERENCE Date: 02/27/2024 Time: 8:30 am Judge: VIVIANO, KATHRYN A Location: COURT BUILDING - 2ND FLOOR - COURTROOM 2SW</p> <p>REMOTE</p> <p>Result: HELD: NOT PLACED ON RECORD</p>			
02/14/2024	ORDER SIGNED:	ORDER SIGNED: (OBDH=134730927) ORDER SCHEDULING STATUS CONFERENCE - SGD			
02/14/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=134732494)			
02/22/2024	ANSWER TO COMPLAINT	ANSWER TO COMPLAINT (OBDH=134975676) DEFENDANT AMANDA PISARSKIS ANSWER TO PLAINTIFFS COMPLAINT; DEFENDANT AMANDA PISARSKIS- AFFIRMATIVE DEFENSES; CERT OF SERV AMANDA PISARSKI (DEFENDANT); Attorney: FARRAJ, YOUSEF M (79760)			
02/22/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=134975675)			
02/22/2024	ANSWER TO COMPLAINT	ANSWER TO COMPLAINT (OBDH=134975678) DEFENDANT BRANDON HEITMANN'S ANSWER TO PLAINTIFFS COMPLAINT; DEFENDANT BRANDON HEITMANN'S AFFIRMATIVE DEFENSES; CERT OF SERV BRANDON HEITMANN (DEFENDANT); Attorney: FARRAJ, YOUSEF M (79760)			
02/22/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=134975674)			
02/23/2024	SUMMONS ISSUED	SUMMONS ISSUED (OBDH=135012669) SUMMONS ISSUED: 02-23-24 EXP 04-12-24 AS TO: KODY GRANDCHAMP (DEFENDANT);			
02/23/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=135025362)			
02/23/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=135012665)			
02/27/2024	HELD: NOT PLACED ON RECORD,	HELD: NOT PLACED ON RECORD, PARTIES TO PROCEED ON CURRENT SCHEDULING ORDER The following event: STATUS CONFERENCE scheduled for			

<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>File Ref Nbr.</u>	<u>Amount Due</u>
		02/27/2024 at 8:30 am has been resulted as follows:  Result: HELD: NOT PLACED ON RECORD Judge: VIVIANO, KATHRYN A Location: COURT BUILDING - 2ND FLOOR - COURTROOM 2SW			
02/27/2024	DISCOVERY AND CASE EVALUATION ORDER ISSUED	DISCOVERY AND CASE EVALUATION ORDER ISSUED  (N) IMAGE OF DISCOVERY AND CASE EVAL ORDER Sent on: 02/27/2024 15:55:31.54			
02/27/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=135219035)			
02/27/2024	APPEARANCE (LITIGANT'S ATTORNEY)	APPEARANCE (LITIGANT'S ATTORNEY) (OBDH=135210404) NOTICE OF APPEARANCE (LITIGANTS ATTORNEY) AMANDA PISARSKI (DEFENDANT); BRANDON HEITMANN (DEFENDANT);			
02/27/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=135210402)			
02/27/2024	CASE EVAL AFTER: SUMMARY DISPO MOTION BY: PLTF'S WITNESS LIST BY: DEFT'S WITNESS LIST BY:	CASE EVAL AFTER: 06/26/2024 SUMMARY DISPO MOTION BY: 09/24/2024 PLTF'S WITNESS LIST BY: 04/12/2024 DEFT'S WITNESS LIST BY: 04/29/2024			
03/04/2024	E-FILED COPY OF BANKRUPTCY NOTICE AS TO:	E-FILED COPY OF BANKRUPTCY NOTICE AS TO: (OBDH=135506403) E-FILED COPY OF VOLUNTARY PETITION FOR NON INDIVIDUALS FILING BANKRUPTCY FROM US BANK CT EAST DIST OF MI AS TO DEBTOR BRANDON HEITMANN ONLY, BANK CT CASE NO 24-41956-mar W/EXHIBITS			
03/04/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=135506402)			
03/05/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=135574725)			
03/06/2024	ORDER FOR ADMINISTRATIVE CLOSING DUE TO BANKRUPTCY STAY SGD	ORDER FOR ADMINISTRATIVE CLOSING DUE TO BANKRUPTCY STAY - SGD AS TO DEBTOR BRANDON HEITMANN ONLY, BANK CT CASE NO 24-41956-mar CASE REMAINS OPEN ORDER ADMINISTRATIVE CLOSING DUE TO BANKRUPTCY Sent on: 03/05/2024 15:39:24.15			
03/06/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=135606836)			
03/06/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=135617311)			
03/06/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=135618199)			
03/29/2024	NOTICE OF NON-PARTY FAULT	NOTICE OF NON-PARTY FAULT (OBDH=136468790) DEFENDANT EXPLORE INDUSTRIES USA, INC.S NOTICE OF NON-PARTY FAULT W/ CERT. OF SERVICE			
03/29/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=136468788)			
04/09/2024	OPINION & ORDER SIGNED	OPINION & ORDER SIGNED (OBDH=136821013) OPINION & ORDER DENYING DEFTS HENRY GIRARD BELL & CONSTRUCTIONS CONTRACTORS INCS MOTION FOR SUMMARY DISPOSITION UNDER MCR 2.116(C)(8) -SGD (DOES NOT			



<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>File Ref Nbr.</u>	<u>Amount Due</u>
		CLOSE)			
04/09/2024	OPINION & ORDER SIGNED	OPINION & ORDER SIGNED (OBDH=136821015) OPINION & ORDER GRANTING DEFT EXPLORE INDUSTRIES USA, INCS MOTION FOR SUMMARY DISPOSITION UNDER MCR 2.116(C)(7) -SGD (DOES NOT CLOSE)			
04/09/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=136822876)			
04/09/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=136822891)			
04/15/2024	SERVICE ON COMPLAINT FILED	SERVICE ON COMPLAINT FILED (OBDH=137005608) PROOF OF SERVICE ON COMPLAINT FILED W/ 2ND SUMMONS PERS/4-10-24/ KODY GRANDCHAMP 70570 POWELL RD ARMADA, MI 48005 KODY GRANDCHAMP (DEFENDANT);			
04/15/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=137005607)			
04/17/2024	PLAINTIFF'S WITNESS LIST	PLAINTIFF'S WITNESS LIST (OBDH=137088373) PLAINTIFF ALEX BOYD AND REBECCA BOYDS WITNESS LIST			
04/17/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=137088370)			
04/29/2024	DEFENDANTS WITNESS LIST	DEFENDANTS WITNESS LIST (OBDH=137445189) DEFENDANT AMANDA PISARSKIS WITNESS LIST W/ CERT OF SERVICE			
04/29/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=137445183)			
04/29/2024	NOTICE OF HEARING	NOTICE OF HEARING (OBDH=137447874) NOTICE OF HEARING			
04/29/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=137447851)			
04/29/2024	MOTION FOR SUMMARY DISPOSITION	MOTION FOR SUMMARY DISPOSITION (OBDH=137447872) DEFT KODY GRANDCHAMPS MOTION FOR SUMMARY DISPOSITION PURSUANT TO MCR 2.116(C)(7) IN LIEU OF ANSWER TO PLTFS COMPLAINT			
04/29/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=137447848)			
04/29/2024	APPEARANCE (LITIGANT'S ATTORNEY)	APPEARANCE (LITIGANT'S ATTORNEY) (OBDH=137447873) APPEARANCE (LITIGANTS ATTORNEY) RETAINED ATTY JERRY LASCOE (P56482) FOR DEFT KODY GRANDCHAMP (DEFENDANT);			
04/29/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=137447865)			
04/29/2024	DEFENDANTS WITNESS LIST	DEFENDANTS WITNESS LIST (OBDH=137447877) DEFENDANT KODY GRANDCHAMPS PRELIMINARY WITNESS, EXPERT & EXHIBIT LIST			
04/29/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=137447870)			
04/29/2024	MOTION FOR SUMMARY DISPOSITION	MOTION FOR SUMMARY DISPOSITION (OBDH=137458403) DEFTS BELL AND CONSTRUCTION CONTRACTORS SECOND MOTION FOR SUMMARY DISPOSITION UNDER MCR 2.116(C)(8)			

<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>File Ref Nbr.</u>	<u>Amount Due</u>
04/29/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=137458387)			
04/29/2024	NOTICE OF HEARING	NOTICE OF HEARING (OBDH=137458406) NOTICE OF HEARING			
04/29/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=137458394)			
04/29/2024	PROOF OF SERVICE	PROOF OF SERVICE (OBDH=137458647) PROOF OF SERVICE			
04/29/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=137458640)			
04/29/2024	DEFENDANTS WITNESS LIST	DEFENDANTS WITNESS LIST (OBDH=137458398) DEFENDANTS BELL AND CONSTRUCTION CONTRACTORS PRELIMINARY WITNESS LIST			
04/29/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=137458376)			
04/29/2024	PROOF OF SERVICE	PROOF OF SERVICE (OBDH=137458404) PROOF OF SERVICE			
04/29/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=137458371)			
04/29/2024	MOTION FOR RECONSIDERATION	MOTION FOR RECONSIDERATION (OBDH=137458646) DEFTS BELL AND CONSTRUCTION CONTRACTORS MOTION FOR RECONSIDERATION			
04/29/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=137458636)			
04/29/2024	ANSWER TO COMPLAINT	ANSWER TO COMPLAINT (OBDH=137458401) DEFENDANTS BELL AND CONSTRUCTION CONTRACTORS ANSWER TO COMPLAINT; DEFENDANTS BELL AND CONSTRUCTION CONTRACTORS AFFIRMATIVE DEFENSES; DEFENDANTS BELL AND CONSTRUCTION CONTRACTORS JURY DEMAND; PRF OF SERV CONSTRUCTION CONTRACTORS LLC (DEFENDANT); HENRY GIRARD BELL (DEFENDANT); Attorney: ANTOVSKI, GORAN (75898)			
04/29/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=137458388)			
04/29/2024	BRIEF IN SUPPORT	BRIEF IN SUPPORT (OBDH=137461514) BRIEF IN SUPPORT OF PLAINTIFFS MOTION FOR RECONSIDERATION OF THE COURT GRANTING SUMMARY DISPOSITION TO DEFENDANT EXPLORE INDUSTRIES			
04/29/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=137461513)			
04/29/2024	NOTICE OF HEARING	NOTICE OF HEARING (OBDH=137461517) NOTICE OF HEARING			
04/29/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=137461510)			
04/29/2024	E-FILED REQUEST FOR HEARING	E-FILED REQUEST FOR HEARING (OBDH=137447876) E-FILED REQUEST FOR HEARING			
04/29/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=137447846)			
04/29/2024	E-FILED REQUEST FOR HEARING	E-FILED REQUEST FOR HEARING (OBDH=137458645) E-FILED REQUEST FOR HEARING			

<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>File Ref Nbr.</u>	<u>Amount Due</u>
04/29/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=137458638)			
04/29/2024	E-FILED REQUEST FOR HEARING	E-FILED REQUEST FOR HEARING (OBDH=137461515) E-FILED REQUEST FOR HEARING			
04/29/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=137461511)			
04/29/2024	MOTION FOR RECONSIDERATION	MOTION FOR RECONSIDERATION (OBDH=137461516) PLAINTIFFS ALEX BOYD AND REBECCA BOYDS MOTION FOR RECONSIDERATION OF THE GRANTING OF DEFENDANT EXPLORE INDUSTRIES MOTION FOR SUMMARY DISPOSITION			
04/29/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=137461512)			
04/29/2024	E-FILED REQUEST FOR HEARING	E-FILED REQUEST FOR HEARING (OBDH=137458400) E-FILED REQUEST FOR HEARING			
04/29/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=137458392)			
04/30/2024	MOTION FEE	MOTION FEE Filing Fee mt Receipt: Date: 4/30/2024 10:27:16 AM Receipt: 1419126 Date: 04/30/2024	\$20.00		\$0.00
04/30/2024	MOTION FEE	MOTION FEE Filing Fee mt Receipt: Date: 4/30/2024 1:40:21 PM Receipt: 1419192 Date: 04/30/2024	\$20.00		\$0.00
04/30/2024	MOTION FEE	MOTION FEE Filing Fee mt Receipt: Date: 4/30/2024 1:51:45 PM Receipt: 1419195 Date: 04/30/2024	\$20.00		\$0.00
04/30/2024	HEARING: MTN FOR SUMMARY DISP SCHEDULED	HEARING: MTN FOR SUMMARY DISP SCHEDULED Event: MTN FOR SUMMARY DISPOSITION Date: 06/03/2024 Time: 10:00 am Judge: VIVIANO, KATHRYN A Location: COURT BUILDING - 2ND FLOOR - COURTROOM 2SW  LASCOE / HARRINGTON			
05/01/2024	MOTION FEE	MOTION FEE Filing Fee mt Receipt: Date: 5/1/2024 7:03:35 AM Receipt: 1419253 Date: 05/01/2024	\$20.00		\$0.00
05/01/2024	HEARING: MTN FOR SUMMARY DISP SCHEDULED	HEARING: MTN FOR SUMMARY DISP SCHEDULED Event: MTN FOR SUMMARY DISPOSITION Date: 05/28/2024 Time: 10:00 am Judge: VIVIANO, KATHRYN A Location: COURT BUILDING - 2ND FLOOR - COURTROOM 2SW  ANTOVSKI / HARRINGTON			
05/03/2024	PROOF OF SERVICE	PROOF OF SERVICE (OBDH=137613341) PROOF OF SERVICE OF NOTICE OF REMOVAL			
05/03/2024	TRUEFILING PROOF OF SERVICE	TRUEFILING PROOF OF SERVICE (OBDH=137613339)			
05/17/2024	OPINION & ORDER SIGNED	OPINION & ORDER SIGNED (OBDH=138065059) OPINION & ORDER DENYING DEFT HENRY GIRARD BELL & CONSTRUCTION CONTRACTORS, INCS MOTION FOR RECONSIDERATION AND DENYING PLTFS ALEX BOYD AND REBECCA BOYDS MOTION FOR RECONSIDERATION - SGD (DOES NOT CLOSE)			



## Boyd Complaint

**STATE OF MICHIGAN**

**IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB**

**ALEX BOYD and REBECCA BOYD,  
Husband and Wife**

Case No. 23-003864-CZ  
Hon. KATHRYN A. VIVIANO

**Plaintiff,**

**v**

**BRANDON HEITMANN, an Individual,  
AMANDA PISARSKI, also known as  
AMANDA HEITMANN, an Individual,  
KODY GRANDCHAMP, an Individual,  
HENRY GIRARD BELL, also known as  
HANK BELL, an Individual,  
CONSTRUCTION CONTRACTORS, LLC,  
a Michigan Limited Liability Company, and  
EXPLORE INDUSTRIES USA, INC.,  
A Tennessee Corporation, doing business as  
IMAGINE POOLS**

**Defendant**

**LAW OFFICES OF JOHN F. HARRINGTON  
BY: John F. Harrington (P40443)  
Attorney for Plaintiff  
30500 Van Dyke Avenue, Suite 200  
Warren, MI 48093  
(586) 751-3610  
[attvsharrington@comcast.net](mailto:attvsharrington@comcast.net)**

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**COMPLAINT**

There is no other pending or resolved civil action  
arising out of the transaction or occurrence alleged  
in the Complaint.

/s/ John F. Harrington  
John F. Harrington (P40443)

NOW COMES the Plaintiffs, ALEX BOYD and REBECCA BOYD, Husband and Wife, by and through their attorneys, the LAW OFFICES OF JOHN F. HARRINGTON, by way of Complaint, hereby states as follows:

1. That, Plaintiffs, Alex Boyd and Rebecca Boyd, are Husband and Wife, residing in the Township of Macomb, County of Macomb, State of Michigan.

2. That, Defendant, Brandon Heitmann, is an Individual, conducting business in the Township of Shelby, County of Macomb, State of Michigan.

3. That, Defendant, Amanda Pisarski, also known as Amanda Heitmann, is an Individual, conducting business in the Township of Shelby, County of Macomb, State of Michigan.

4. That, Defendant, Kody Grandchamp, is an Individual, residing in the City of Livonia, County of Wayne, State of Michigan.

5. That, Defendant, Henry Girard Bell, also known as Hank Bell, is an Individual, conducting business in the Township of Washington, County of Macomb, State of Michigan.

6. That, Defendant, Construction Contractors, LLC., is a Michigan Limited Liability Company, in good standing, with its principle place of business in the Township of Washington, County of Macomb, State of Michigan.

7. That, Defendant, Explore Industries USA, Inc., is a Tennessee Corporation, in good standing, conducting business in the County of Macomb, State of Michigan, although not authorized to do so.

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8. That, this cause of action concerns events that occurred in the Township of Macomb, County of Macomb, State of Michigan, thus venue is proper before this Honorable Court.

9. That, the amount in controversy is in excess of \$25,000.00, thus jurisdiction is proper before this Honorable Court.

### **FACTUAL AVERMENTS**

10. That, Alex Boyd and Rebecca Boyd, are Husband and Wife, (hereinafter "Boyd"), who own real property at 50639 Cheltenham Drive, in the Township of Macomb, County of Macomb, State of Michigan.

11. That, on or about May 14, 2021, the Boyds entered in a contract with Exigent Landscaping, LLC, for the design and construction of an in-ground swimming pool at their home.

12. That, the Boyds either met or communicated with, Defendants Heitmann, Pisarski, and Grandchamp. in their capacity as representatives of Exigent Landscaping, LLC, during the solicitation of the Boyds and ultimate execution of the contract, at which time said Defendants repeatedly stated that Exigent Landscaping, LLC was a licensed residential contractor.

13. That, in addition, said Defendants represented to the Boyds and Carter that Exigent Landscaping, LLC, was an authorized dealer of Imagine Pools.

14. That, in fact, Exigent Landscaping was an authorized dealer of Imagine Pools, as so authorized by the manufacturer, Defendant Explore Industries USA, Inc.

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15. That, Plaintiffs relied upon the fact that Exigent Landscaping, LLC, was an authorized dealer of Imagine Pools by Defendant Explore Industries USA, Inc., to ultimately enter in to a contract with Exigent Landscaping, LLC.

16. That, the May 14, 2021, contract even states, at the bottom of each page, "License #802082183", inferring that Exigent Landscaping, LLC, was a licensed residential contractor. (See Exhibit A)

17. That, in fact, Exigent Landscaping, LLC, was never a licensed residential contractor at any time during its relationship with the Boyds.

18. That, the Boyds paid the substantial portion of their respective contract price to Exigent Landscaping, LLC.

19. That, after execution of the contracts with the Boyds, Defendants Heirmann, Pisarski, and Grandchamp, knowingly and falsely represented to Macomb Township Building Officials that the Plaintiffs executed contracts with Defendant Construction Contractors, LLC, and Henry Girard Bell, (hereinafter "Bell").

20. That, based on said false representations, Macomb Township Building Officials approved permits for the construction of in-ground swimming pools at the Boyds' residence.

21. That, for the Boyds, Exigent Landscaping, LLC, and the Defendants failed to timely or properly construct a swimming pool, necessitating removal of their respective pools.

22. That, the Boyds have suffered damages well in excess of \$25,000.00.

23. That, the Boyds have previously commenced arbitration proceedings against Exigent Landscaping, LLC, yet said proceedings have been stayed as Exigent Landscaping,

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LLC, has filed for Chapter 11 Bankruptcy in the United States Bankruptcy Court for the Eastern District of Michigan.

**COUNT I**

**FRAUDULENT MISPRERESENTATION OF THE BOYDS BY  
DEFENDANTS HEITMANN, PISARSKI, and GRANDCHAMP**

24. Plaintiffs hereby restate and reiterate allegations contained in paragraph 1 through 23 as if fully restated herein.

25. That, Defendants Heitmann, Pisarski, and Grandchamp, before, during, and after execution of the Exigent Landscaping, LLC, contract on May 14, 2021, repeatedly advised the Boyds that Exigent Landscaping, LLC, was a licensed residential builder, and otherwise fully qualified and capable of building a swimming pool as agreed upon.

26. That, in fact, Exigent landscaping, LLC, was not a licensed residential builder nor was it qualified or capable of building a swimming pool.

27. That, said representations by Defendants Heitmann, Pisarski, and Grandchamp, were false and said Defendants knew they were false, or made them recklessly without regard of the truth.

28. That, said Defendants made these representations with the intent that the Boyds would act upon it, and the Boyds did, in fact, rely upon these false representations, by tendering to Exigent Landscaping, LLC, the vast majority of the \$130,00.00 contract price.

29. That, the swimming pool installed by Exigent Landscaping, LLC, was not completed in a timely manner, but also constructed so defectively, that it mandates removal.

30. That, the Boyds never would have entered into a contract with Exigent Landscaping had they known that the company was not a licensed residential contractor, if

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it were not for the intentional misrepresentations of Defendants Heitmann, Pisarski, and Grandchamp.

31. That, as such, the Boyds have suffered damages in an amount in excess of \$25,000.00.

WHEREFORE, Plaintiffs Alex Boyd and Rebecca Boyd, hereby prays this Honorable Court enter a Judgment in their favor and against the Defendants, Brandon Heitmann, Amanda Pisarski, aka Amanda Heitmann, and Kody Grandchamp, jointly and severally, in an amount in excess of \$25,000.00, plus costs, interest and reasonable attorney fees.

## COUNT II

### FRAUDULENT MISPRESENTATION OF BOYDS BY HENRY GIRARD

#### BELL and CONSTRUCTION CONTRACTORS, LLC

32. Plaintiffs hereby restate and reiterate allegations contained in paragraphs 1 through 31 as if fully restated herein.

33. That, on or about October 12, 2021, and on numerous occasions thereafter, Defendants Bell and Construction Contractors, LLC, applied for and obtained building permits from Macomb Township Building Officials for the construction of an in-ground swimming pool at the Boyds' residence.

34. That, said Defendant falsely represented to Macomb Township that they were the contractors for the project, utilizing their respective residential builders' license number and expiration date.

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35. That, despite what said Defendants stated on the permit application, neither Defendant Bell nor Defendant Construction Contractors were involved in the project and neither had entered into a contract with the Boyds.

36. That, Defendants Bell and Construction Contractors intended for the Macomb Township Building Officials, and, in turn, the Boyds, to rely upon such misrepresentations,, which the Township and the Boyds relied upon to their detriment.

37. That, as a result, the Boyds have suffered damages in an amount in excess of \$25,000.00.

WHEREFORE, Plaintiffs Alex Boyd and Rebecca Boyd, hereby prays this Honorable Court enter a Judgment in their favor and against the Defendants, Henry Girard Bell, aka Hank Bell, and Construction Contractors, LLC, jointly and severally, in an amount in excess of \$25,000.00, plus costs, interest and reasonable attorney fees.

### **COUNT III**

#### **SILENT FRAUD BY ALL DEFENDANTS**

38. Plaintiffs hereby restate and reiterate allegations contained in paragraphs 1 through 37 as if fully restated herein.

39. That, all the Defendants had a duty to disclose to the Boyds that Exigent Landscaping, LLC, was not a licensed residential contractor, and that, instead, that they were using the licensure status of third parties, to fraudulently obtain Township approval for construction of a pool and the Boyds' residence.

40. That, the Defendants failure to disclose was misleading to the Boyds.

41. That, the Defendants knew that not disclosing would be misleading.

42. That, the Boyds relied on the Defendants failure to disclose.

43. That, as a result, the Boyds suffered damages in an amount in excess of \$25,000.00.

WHEREFORE, Plaintiffs Alex Boyd and Rebecca Boyd, hereby prays this Honorable Court enter a Judgment in their favor and against the Defendants, Brandon Heitmann, Amanda Pisarski, aka Amanda Heitmann, Kody Grandchamp, Henry Girard Bell, aka Hank Bell, and Construction Contractors, LLC, jointly and severally, in an amount in excess of \$25,000.00, plus costs, interest and reasonable attorney fees.

#### COUNT IV

#### CIVIL CONSPIRACY BY ALL DEFENDANTS

44. Plaintiffs hereby restate and reiterate allegations contained in paragraphs 1 through 43 as if fully restated herein.

45. That, all the Defendants engaged in a concerted effort to defraud and otherwise make misrepresentation to the Boyds by falsely stating the Exigent landscaping, LLC was at all times a licensed residential builder, qualified and capable of competently completing construction of a swimming pool.

46. That, in addition, all the Defendant engaged in a concerted effort to misrepresent to Macomb Township Building Officials, and, in turn, the Boyds, that a licensed residential builder was constructing a swimming pool at the Boyds' residence.

47. That such concerted actions involved more two or more persons, and was done so to accomplish an unlawful purpose, or alternatively, a lawful purpose by unlawful means.

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48. That, the Defendants purpose was to obtain monies from the Boyds in exchange for untimely constructing a defective swimming pool and to not fulfill the Boyds expectations or Exigent Landscaping's contractual obligations.

49. That, as a result, the Boyds suffered damages in an amount in excess of \$25,000.00.

WHEREFORE, Plaintiffs Alex Boyd and Rebecca Boyd, hereby prays this Honorable Court enter a Judgment in their favor and against the Defendants, Brandon Heitmann, Amanda Pisarski, aka Amanda Heitmann, Kody Grandchamp, Henry Girard Bell, aka Hank Bell, and Construction Contractors, LLC, jointly and severally, in an amount in excess of \$25,000.00, plus costs, interest and reasonable attorney fees.

#### COUNT V

#### NEGLIGENCE OF EXPLORE INDUSTRIES USA, INC.

50. That, Plaintiffs hereby restate and reiterate their allegations contained in paragraphs 1 through 49 as if fully restated herein.

51. That, Defendant Explore Industries USA, Inc., doing business as Imagine Pools, designated Exigent Landscaping, LLC, as an authorized dealer of Imagine Pools, for sale and installation in the State of Michigan, even though Exigent Landscaping was not a licensed residential builder.

52. That, in order to install an in-ground swimming pool at a residential home in the State of Michigan, the installer must be a licensed residential contractor.

53. That, Defendant Explore Industries USA, Inc, had a duty to the consuming public, when designating an authorized dealer of Imagine Pools in the State of Michigan to select only a licensed residential builder.

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54. That, the Plaintiffs relied upon Defendant Explore Industries USA, Inc., designation of Exigent Landscaping as an authorized dealer of Imagine Pools when entering into an agreement with Exigent Landscaping, LLC.

55. That, as such, Defendant Explore Industries USA, Inc., breached its duty owed to the Plaintiffs.

56. That, because of Defendant Explore Industries USA, Inc., breach of its duty, the Boyds each suffered damages in an amount in excess of \$25,000.00.

57. That, if not for the Defendant's breach plaintiffs would not have suffered any damages.

WHEREFORE, Plaintiffs Alex Boyd and Rebecca Boyd, hereby prays this Honorable Court enter a Judgment in their favor and against the Defendant Explore Industries USA, Inc., doing business as Imagine Pools, in an amount in excess of \$25,000.00, plus costs, interest and reasonable attorney fees.

#### **COUNT VI**

#### **NEGLIGENT MISREPRESENTATION BY EXPLORE INDUSTRIES USA, INC.**

58. That, Plaintiffs hereby restate and reiterate their allegations contained in paragraphs 1 through 57 as if fully restated herein.

59. That, Defendant Explore Industries USA, Inc., doing business as Imagine Pools, made a material representation that Exigent Landscaping, LLC, was an authorized dealer and installer of Imagine Pools in the State of Michigan.

60. That, Exigent Landscaping, LLC, could not qualify to be an installer of in-ground swimming pools in the State of Michigan as it was not a licensed residential builder.

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61. That, Defendant Explore Industries USA, Inc., designation that Exigent Landscaping, LLC, was an authorized dealer and installer of Image Pools, was a false representation, as Exigent Landscaping, LLC, could not act in such a capacity in the State of Michigan.

62. That, Defendant Explore Industries USA, Inc., negligently made said representation, breaching a duty owed to the Plaintiffs.

63. That, as a result, the Boyds have suffered damages in an amount in excess of \$25,000.00.

WHEREFORE, Plaintiffs Alex Boyd and Rebecca Boyd, hereby prays this Honorable Court enter a Judgment in their favor and against the Defendant Explore Industries USA, Inc., doing business as Imagine Pools, in an amount in excess of \$25,000.00, plus costs, interest and reasonable attorney fees.

**LAW OFFICES OF JOHN F. HARRINGTON**

BY: /s/ John F. Harrington  
**JOHN F. HARRINGTON (P40443)**  
Attorney for Plaintiff  
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**Dated: November 9, 2023**

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# Brandon Heitmann Answer and Affirmative Defenses to Boyd Complaint

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

ALEX BOYD and REBECCA BOYD,  
Husband and Wife,

Case No. 23-003864-CZ  
Hon. James M. Biernat, Jr.

Plaintiffs,

v.

BRANDON HEITMANN, an individual,  
AMANDA PISARSKI, a/k/a AMANDA  
HEITMANN, an individual, KODY  
GRANDCHAMP, an individual, HENRY  
GIRARD BELL, a/k/a HANK BELL,  
an individual, CONSTRUCTION  
CONTRACTORS, LLC, a Michigan limited  
liability company, and EXPLORE INDUSTRIES  
USA, INC., a Tennessee corporation, d/b/a  
IMAGINE POOLS,

Defendants.

**LAW OFFICES OF JOHN F. HARRINGTON**

By: John F. Harrington (P40443)

*Attorney for Plaintiff*

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**KOTZ SANGSTER WYSOCKI P.C.**

By: Tyler P. Phillips (P78280)

Yousef M. Farraj (P79760)

*Attorneys for Brandon Heitmann  
and Amanda Pisarski*

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[yfarraj@kotzsangster.com](mailto:yfarraj@kotzsangster.com)

**DEFENDANT BRANDON HEITMANN'S  
ANSWER TO PLAINTIFFS' COMPLAINT**

NOW COMES, Defendant, BRANDON HEITMANN, by and through counsel, Kotz Sangster Wysocki, PC, and for his Answer to Plaintiffs' Complaint states as follows:

1. Neither Admit nor Deny.
2. Denied as stated. Defendant Heitmann does not conduct business as an individual.
3. Denied as stated. Defendant Pisarski does not conduct business as an individual.

4. Neither Admit nor Deny.
5. Neither Admit nor Deny.
6. Neither Admit nor Deny.
7. Neither Admit nor Deny.
8. Neither Admit nor Deny.
9. Neither Admit nor Deny.

#### FACTUAL AVERMENTS

10. Neither Admit nor Deny.
11. Admit.
12. Neither Admit nor Deny.
13. Neither Admit nor Deny.
14. Neither Admit nor Deny.
15. Denied.
16. Denied.
17. Denied as stated.
18. Neither Admit nor Deny.
19. Denied.
20. Denied.
21. Denied.
22. Denied.
23. Admit. By way of further response, since Plaintiffs' arbitration matter was stayed,

Plaintiffs now attempt to convert their breach of contract claim into fraud proceedings in an effort to avoid creditors' remedies under the Bankruptcy Code.

**COUNT I**

- 24. Neither Admit nor Deny. .
- 25. Denied.
- 26. Denied.
- 27. Denied.
- 28. Denied.
- 29. Denied.
- 30. Denied.
- 31. Denied.

WHEREFORE, Defendant Brandon Heitmann requests this Court dismiss Plaintiffs' Complaint, grant him attorney's fees and costs, and any such further relief this Court deems just.

**COUNT II**

- 32. Neither Admit nor Deny as this Count II is not alleged against Defendant Heitmann.
- 33. Neither Admit nor Deny as this Count II is not alleged against Defendant Heitmann.
- 34. Neither Admit nor Deny as this Count II is not alleged against Defendant Heitmann.
- 35. Neither Admit nor Deny as this Count II is not alleged against Defendant Heitmann.
- 36. Neither Admit nor Deny as this Count II is not alleged against Defendant Heitmann.
- 37. Neither Admit nor Deny as this Count II is not alleged against Defendant Heitmann.

WHEREFORE, Defendant Brandon Heitmann requests this Court dismiss Plaintiffs' Complaint, grant him attorney's fees and costs, and any such further relief this Court deems just.

**COUNT III**

- 38. Neither Admit nor Deny.
- 39. Denied.

40. Denied.

41. Denied.

42. Denied.

43. Denied.

WHEREFORE, Defendant Brandon Heitmann requests this Court dismiss Plaintiffs' Complaint, grant him attorney's fees and costs, and any such further relief this Court deems just.

#### COUNT IV

44. Neither Admit nor Deny.

45. Denied.

46. Denied.

47. Denied.

48. Denied.

49. Denied.

WHEREFORE, Defendant Brandon Heitmann requests this Court dismiss Plaintiffs' Complaint, grant him attorney's fees and costs, and any such further relief this Court deems just.

#### COUNT V

50. Neither Admit nor Deny as this Count V is not alleged against Defendant Heitmann.

51. Neither Admit nor Deny as this Count V is not alleged against Defendant Heitmann.

52. Neither Admit nor Deny as this Count V is not alleged against Defendant Heitmann.

53. Neither Admit nor Deny as this Count V is not alleged against Defendant Heitmann.

54. Neither Admit nor Deny as this Count V is not alleged against Defendant Heitmann.

55. Neither Admit nor Deny as this Count V is not alleged against Defendant Heitmann.

56. Neither Admit nor Deny as this Count V is not alleged against Defendant Heitmann.

57. Neither Admit nor Deny as this Count V is not alleged against Defendant Heitmann.

WHEREFORE, Defendant Brandon Heitmann requests this Court dismiss Plaintiffs' Complaint, grant him attorney's fees and costs, and any such further relief this Court deems just.

**COUNT VI**

58. Neither Admit nor Deny as this Count VI is not alleged against Defendant Heitmann.

59. Neither Admit nor Deny as this Count VI is not alleged against Defendant Heitmann.

60. Neither Admit nor Deny as this Count VI is not alleged against Defendant Heitmann.

61. Neither Admit nor Deny as this Count VI is not alleged against Defendant Heitmann.

62. Neither Admit nor Deny as this Count VI is not alleged against Defendant Heitmann.

63. Neither Admit nor Deny as this Count VI is not alleged against Defendant Heitmann.

WHEREFORE, Defendant Brandon Heitmann requests this Court dismiss Plaintiffs' Complaint, grant him attorney's fees and costs, and any such further relief this Court deems just.

KOTZ SANGSTER WYSOCKI P.C. ATTORNEYS AND COUNSELORS AT LAW

Respectfully submitted,

**KOTZ SANGSTER WYSOCKI P.C.**

/s/Yousef M. Farraj

By: Tyler P. Phillips (P78280)

Yousef M. Farraj (P79760)

Attorneys for Brandon Heitmann and  
Amanda Pisarski

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[yfarraj@kotzsangster.com](mailto:yfarraj@kotzsangster.com)

Dated: February 22, 2024

**CERTIFICATE OF SERVICE**

Ashley D. Clark hereby certifies that on February 22, 2024, Defendant Brandon Heitmann's Answer to Plaintiffs' Complaint and this Certificate of Service were served in accordance with the Court's Electronic Filing Guidelines. Notice of Electronic Filing of these documents will be sent to all parties by operation of the Court's electronic filing system.

/s/Ashley D. Clark

Ashley D. Clark

KOTZ SANGSTER WYSOCKI P.C. ATTORNEYS AND COUNSELORS AT LAW

Document received by the MI Macomb 16th Circuit Court.

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

ALEX BOYD and REBECCA BOYD,  
Husband and Wife,

Case No. 23-003864-CZ  
Hon. James M. Biernat, Jr.

Plaintiffs,

v.

BRANDON HEITMANN, an individual,  
AMANDA PISARSKI, a/k/a AMANDA  
HEITMANN, an individual, KODY  
GRANDCHAMP, an individual, HENRY  
GIRARD BELL, a/k/a HANK BELL,  
an individual, CONSTRUCTION  
CONTRACTORS, LLC, a Michigan limited  
liability company, and EXPLORE INDUSTRIES  
USA, INC., a Tennessee corporation, d/b/a  
IMAGINE POOLS,

Defendants.

**LAW OFFICES OF JOHN F. HARRINGTON**

By: John F. Harrington (P40443)

*Attorney for Plaintiff*

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**KOTZ SANGSTER WYSOCKI P.C.**

By: Tyler P. Phillips (P78280)

Yousef M. Farraj (P79760)

*Attorneys for Brandon Heitmann  
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**DEFENDANT BRANDON HEITMANN'S**  
**AFFIRMATIVE DEFENSES**

NOW COMES, Defendant, BRANDON HEITMANN, by and through counsel, Kotz Sangster Wysocki, PC, and for his Affirmative Defenses states as follows:

1. All or part of Plaintiffs' claims may be denied because Plaintiffs are the first breaching party.



2. All or part of Plaintiffs' claims may be denied because Plaintiffs fail to state a claim upon which relief may be granted.
3. All or part of Plaintiffs' claims may be denied for failure to plead fraud and fraudulent transfers with the requisite specificity.
4. All or part of Plaintiffs' claims may be denied for lack of standing.
5. All or part of Plaintiffs' claims may be denied because lack of personal liability on the part of Defendant Heitmann.
6. All or part of Plaintiffs' claims may be denied for failure to mitigate damages.
7. Defendant Heitmann reserves the right to amend these Affirmative Defenses as they become known throughout the course of discovery.

Respectfully submitted,

**KOTZ SANGSTER WYSOCKI P.C.**

/s/Yousef M. Farraj

By: Tyler P. Phillips (P78280)

Yousef M. Farraj (P79760)

Attorneys for Brandon Heitmann and  
Amanda Pisarski

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[tphillips@kotzsangster.com](mailto:tphillips@kotzsangster.com)

[yfarraj@kotzsangster.com](mailto:yfarraj@kotzsangster.com)

Dated: February 22, 2024

**CERTIFICATE OF SERVICE**

Ashley D. Clark hereby certifies that on February 22, 2024, Defendant Brandon Heitmann's Affirmative Defenses and this Certificate of Service were served in accordance with the Court's Electronic Filing Guidelines. Notice of Electronic Filing of these documents will be sent to all parties by operation of the Court's electronic filing system.

/s/Ashley D. Clark

Ashley D. Clark

KOTZ SANGSTER WYSOCKI P.C. ATTORNEYS AND COUNSELORS AT LAW

Document received by the MI Macomb 16th Circuit Court.

## Amanda Pisarski's Answer and Affirmative Defenses to Boyd Complaint

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

ALEX BOYD and REBECCA BOYD,  
Husband and Wife,  
  
Plaintiffs,

Case No. 23-003864-CZ  
Hon. James M. Biernat, Jr.

v.

BRANDON HEITMANN, an individual,  
AMANDA PISARSKI, a/k/a AMANDA  
HEITMANN, an individual, KODY  
GRANDCHAMP, an individual, HENRY  
GIRARD BELL, a/k/a HANK BELL,  
an individual, CONSTRUCTION  
CONTRACTORS, LLC, a Michigan limited  
liability company, and EXPLORE INDUSTRIES  
USA, INC., a Tennessee corporation, d/b/a  
IMAGINE POOLS,

Defendants.

KOTZ SANGSTER WYSOCKI P.C. ATTORNEYS AND COUNSELORS AT LAW

**LAW OFFICES OF JOHN F. HARRINGTON**  
By: John F. Harrington (P40443)  
*Attorney for Plaintiff*  
30500 Van Dyke Ave., Suite 200  
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**KOTZ SANGSTER WYSOCKI P.C.**  
By: Tyler P. Phillips (P78280)  
Yousef M. Farraj (P79760)  
*Attorneys for Brandon Heitmann  
and Amanda Pisarski*  
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[yfarraj@kotzsangster.com](mailto:yfarraj@kotzsangster.com)

**DEFENDANT AMANDA PISARSKI'S  
ANSWER TO PLAINTIFFS' COMPLAINT**

NOW COMES, Defendant, AMANDA PISARSKI, by and through counsel, Kotz Sangster Wysocki, PC, and for her Answer to Plaintiffs' Complaint states as follows:

1. Neither Admit nor Deny.
2. Denied as stated. Defendant Heitmann does not conduct business as an individual.
3. Denied as stated. Defendant Pisarski does not conduct business as an individual.

4. Neither Admit nor Deny.
5. Neither Admit nor Deny.
6. Neither Admit nor Deny.
7. Neither Admit nor Deny.
8. Neither Admit nor Deny.
9. Neither Admit nor Deny.

**FACTUAL AVERMENTS**

10. Neither Admit nor Deny.
11. Admit.
12. Neither Admit nor Deny.
13. Neither Admit nor Deny.
14. Neither Admit nor Deny.
15. Denied.
16. Denied.
17. Denied as stated.
18. Neither Admit nor Deny.
19. Denied.

20. Denied.
21. Denied.
22. Denied.

23. Admit. By way of further response, since Plaintiffs' arbitration matter was stayed, Plaintiffs now attempt to convert their breach of contract claim into fraud proceedings in an effort to avoid creditors' remedies under the Bankruptcy Code.

**COUNT I**

- 24. Neither Admit nor Deny.
- 25. Denied.
- 26. Denied.
- 27. Denied.
- 28. Denied.
- 29. Denied.
- 30. Denied.
- 31. Denied.

WHEREFORE, Defendant Amanda Pisarski requests this Court dismiss Plaintiffs' Complaint, grant her attorney's fees and costs, and any such further relief this Court deems just.

**COUNT II**

- 32. Neither Admit nor Deny as this Count II is not alleged against Defendant Pisarski.
- 33. Neither Admit nor Deny as this Count II is not alleged against Defendant Pisarski.
- 34. Neither Admit nor Deny as this Count II is not alleged against Defendant Pisarski.
- 35. Neither Admit nor Deny as this Count II is not alleged against Defendant Pisarski.
- 36. Neither Admit nor Deny as this Count II is not alleged against Defendant Pisarski.
- 37. Neither Admit nor Deny as this Count II is not alleged against Defendant Pisarski.

WHEREFORE, Defendant Amanda Pisarski requests this Court dismiss Plaintiffs' Complaint, grant her attorney's fees and costs, and any such further relief this Court deems just.

**COUNT III**

- 38. Neither Admit nor Deny.
- 39. Denied.

40. Denied.

41. Denied.

42. Denied.

43. Denied.

WHEREFORE, Defendant Amanda Pisarski requests this Court dismiss Plaintiffs' Complaint, grant him attorney's fees and costs, and any such further relief this Court deems just.

#### **COUNT IV**

44. Neither Admit nor Deny.

45. Denied.

46. Denied.

47. Denied.

48. Denied.

49. Denied.

WHEREFORE, Defendant Amanda Pisarski requests this Court dismiss Plaintiffs' Complaint, grant her attorney's fees and costs, and any such further relief this Court deems just.

#### **COUNT V**

50. Neither Admit nor Deny as this Count V is not alleged against Defendant Pisarski.

51. Neither Admit nor Deny as this Count V is not alleged against Defendant Pisarski.

52. Neither Admit nor Deny as this Count V is not alleged against Defendant Pisarski.

53. Neither Admit nor Deny as this Count V is not alleged against Defendant Pisarski.

54. Neither Admit nor Deny as this Count V is not alleged against Defendant Pisarski.

55. Neither Admit nor Deny as this Count V is not alleged against Defendant Pisarski.

56. Neither Admit nor Deny as this Count V is not alleged against Defendant Pisarski.

57. Neither Admit nor Deny as this Count V is not alleged against Defendant Pisarski.

WHEREFORE, Defendant Amanda Pisarski requests this Court dismiss Plaintiffs' Complaint, grant her attorney's fees and costs, and any such further relief this Court deems just.

### **COUNT VI**

58. Neither Admit nor Deny as this Count VI is not alleged against Defendant Pisarski.

59. Neither Admit nor Deny as this Count VI is not alleged against Defendant Pisarski.

60. Neither Admit nor Deny as this Count VI is not alleged against Defendant Pisarski.

61. Neither Admit nor Deny as this Count VI is not alleged against Defendant Pisarski.

62. Neither Admit nor Deny as this Count VI is not alleged against Defendant Pisarski.

63. Neither Admit nor Deny as this Count VI is not alleged against Defendant Pisarski.

WHEREFORE, Defendant Amanda Pisarski requests this Court dismiss Plaintiffs' Complaint, grant her attorney's fees and costs, and any such further relief this Court deems just.

Respectfully submitted,

**KOTZ SANGSTER WYSOCKI P.C.**

/s/Yousef M. Farraj

By: Tyler P. Phillips (P78280)

Yousef M. Farraj (P79760)

Attorneys for Brandon Heitmann and  
Amanda Pisarski

400 Renaissance Center, Suite 3400

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[tphillips@kotzsangster.com](mailto:tphillips@kotzsangster.com)

[yfarraj@kotzsangster.com](mailto:yfarraj@kotzsangster.com)

Dated: February 22, 2024



**CERTIFICATE OF SERVICE**

Ashley D. Clark hereby certifies that on February 22, 2024, Defendant Amanda Pisarski's Answer to Plaintiffs' Complaint and this Certificate of Service were served in accordance with the Court's Electronic Filing Guidelines. Notice of Electronic Filing of these documents will be sent to all parties by operation of the Court's electronic filing system.

/s/Ashley D. Clark

Ashley D. Clark

KOTZ SANGSTER WYSOCKI P.C., ATTORNEYS AND COUNSELORS AT LAW

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

ALEX BOYD and REBECCA BOYD,  
Husband and Wife,

Case No. 23-003864-CZ  
Hon. James M. Biernat, Jr.

Plaintiffs,

v.

BRANDON HEITMANN, an individual,  
AMANDA PISARSKI, a/k/a AMANDA  
HEITMANN, an individual, KODY  
GRANDCHAMP, an individual, HENRY  
GIRARD BELL, a/k/a HANK BELL,  
an individual, CONSTRUCTION  
CONTRACTORS, LLC, a Michigan limited  
liability company, and EXPLORE INDUSTRIES  
USA, INC., a Tennessee corporation, d/b/a  
IMAGINE POOLS,

Defendants.

**LAW OFFICES OF JOHN F. HARRINGTON**

By: John F. Harrington (P40443)

*Attorney for Plaintiff*

30500 Van Dyke Ave., Suite 200

Warren, MI 48093

(586) 751-3610

[attys Harrington@comcast.net](mailto:attys Harrington@comcast.net)

**KOTZ SANGSTER WYSOCKI P.C.**

By: Tyler P. Phillips (P78280)

Yousef M. Farraj (P79760)

*Attorneys for Brandon Heitmann  
and Amanda Pisarski*

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[yfarraj@kotzsangster.com](mailto:yfarraj@kotzsangster.com)

**DEFENDANT AMANDA PISARSKI'S**  
**AFFIRMATIVE DEFENSES**

NOW COMES, Defendant, AMANDA PISARSKI, by and through counsel, Kotz Sangster  
Wysocki, PC, and for her Affirmative Defenses states as follows:

1. All or part of Plaintiffs' claims may be denied because Plaintiffs are the first  
breaching party.

2. All or part of Plaintiffs' claims may be denied because Plaintiffs fail to state a claim upon which relief may be granted.

3. All or part of Plaintiffs' claims may be denied for failure to plead fraud and fraudulent transfers with the requisite specificity.

4. All or part of Plaintiffs' claims may be denied for lack of standing.

5. All or part of Plaintiffs' claims may be denied because lack of personal liability on the part of Defendant Pisarski.

6. All or part of Plaintiffs' claims may be denied for failure to mitigate damages.

7. Defendant Pisarski reserves the right to amend these Affirmative Defenses as they become known throughout the course of discovery.

Respectfully submitted,

**KOTZ SANGSTER WYSOCKI P.C.**

/s/Yousef M. Farraj

By: Tyler P. Phillips (P78280)

Yousef M. Farraj (P79760)

Attorneys for Brandon Heitmann and  
Amanda Pisarski

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[yfarraj@kotsangster.com](mailto:yfarraj@kotsangster.com)

Dated: February 22, 2024

**CERTIFICATE OF SERVICE**

Ashley D. Clark hereby certifies that on February 22, 2024, Defendant Amanda Pisarski's Affirmative Defenses and this Certificate of Service were served in accordance with the Court's Electronic Filing Guidelines. Notice of Electronic Filing of these documents will be sent to all parties by operation of the Court's electronic filing system.

/s/Ashley D. Clark

Ashley D. Clark

KOTZ SANGSTER WYSOCKI P.C., ATTORNEYS AND COUNSELORS AT LAW

## Bell and Construction Contractors Answer and Affirmative Defenses to Boyd Complaint

STATE OF MICHIGAN  
16th JUDICIAL CIRCUIT COURT OF MACOMB COUNTY

ALEX BOYD and REBECCA BOYD, Husband  
and Wife,

Case No.: 2023-003864-CZ  
Hon. Kathryn A. Viviano

Plaintiffs,

v

Defendants Bell and Construction  
Contractors LLC's Answer to Complaint

BRANDON HEITMANN, et al.,

Defendants.

John F. Harrington (P40443)  
Law Offices of John F. Harrington  
*Attorney for Plaintiffs*  
30500 Van Dyke Ave., Ste. 200  
Warren, MI 48093  
(586) 751-3610  
attysharrington@comcast.net

Tyler P. Phillips (P78280)  
Yousef M. Farraj (P76760)  
Kotz Sangster Wysocki PC  
*Attorneys for Defendants Heitmann and  
Pisarski*  
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Justin M. Majewski (P85095)  
Michigan Justice, PLLC  
*Attorneys for Defendants Bell  
and Construction Contractors LLC*  
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(586) 221-4140  
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Nicholas J. Tatro (P79146)  
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Christina A. Horn (P76476)  
Lascoe & Horn, PC  
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jlascoe@lascoehorn.com

**DEFENDANTS BELL AND CONSTRUCTION CONTRACTORS'**  
**ANSWER TO COMPLAINT**

Michigan Justice, PLLC  
198 S. Main Street, Suite 2  
Mount Clemens, MI 48043  
p. 586-221-4100  
f. 586-221-4140  
michiganjustice.com

Defendants Henry Bell and Construction Contractors, LLC (“Defendants”), by and through their attorney, Goran Antovski of Michigan Justice, PLLC, state as follows for their Answer to Plaintiffs’ Complaint:

1. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1.
2. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2.
3. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3.
4. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4.
5. Defendants admit the allegations in Paragraph 5.
6. Defendants admit the allegations in Paragraph 6.
7. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7.
8. Paragraph 8 contains a legal conclusion that requires no response. To the extent a response is required, Defendants admit that venue is proper.
9. Paragraph 9 contains a legal conclusion that requires no response. To the extent a response is required, Defendants deny as untrue that the Plaintiffs have suffered damages in excess of \$25,000.
10. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10.
11. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11.

12. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12.
13. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 13.
14. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14.
15. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15.
16. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16.
17. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17.
18. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 18.
19. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19.
20. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20.
21. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 21.
22. Paragraph 22 contains a legal conclusion that requires no response. To the extent a response is required, Defendants deny as untrue that the Plaintiffs have suffered damages in excess of \$25,000.
23. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23.



**COUNT I**

**FRAUDULENT MISREPRESENTATION OF THE BOYDS BY DEFENDANTS  
HEITMANN, PISARSKI, AND GRANDCHAMP**

24. Defendants hereby incorporate by reference all preceding paragraphs.
25. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25.
26. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 26.
27. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 27.
28. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28.
29. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29.
30. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30.
31. Paragraph 31 contains a legal conclusion that requires no response. To the extent a response is required, Defendants deny as untrue that the Plaintiffs have suffered damages in excess of \$25,000.

WHEREFORE, Defendants respectfully request that:

- A. The Complaint be dismissed with prejudice as to Defendants;
- B. A judgment of no cause of action be awarded in Defendants' favor and against Plaintiffs;
- C. Defendants be awarded their costs and attorney fees; and
- D. Defendants be awarded such other relief to which they are entitled, including, but not limited to, sanctions and costs.

## COUNT II

### **FRAUDULENT MISREPRESENTATION OF THE BOYDS BY HENRY GIRARD BELL AND CONSTRUCTION CONTRACTORS**

- 32. Defendants hereby incorporate by reference all preceding paragraphs.
- 33. Defendants deny as untrue the allegations in Paragraph 33.
- 34. Defendants deny as untrue the allegations in Paragraph 34.
- 35. Defendants deny as untrue the allegation that they made any statements on a building permit application relative to Plaintiffs' home or pool. Defendants admit that they were not involved in any project at Plaintiffs' home and that they had not entered into a contract with the Plaintiffs.
- 36. Paragraph 36 contains a legal conclusion that requires no response. To the extent that a response is required, Defendants deny as untrue the allegations in Paragraph 36.
- 37. Paragraph 37 contains a legal conclusion that requires no response. To the extent that a response is required, Defendants deny the allegations in Paragraph 37 for reason that they are untrue.

WHEREFORE, Defendants respectfully request that:

- A. The Complaint be dismissed with prejudice as to Defendants;
- B. A judgment of no cause of action be awarded in Defendants' favor and against Plaintiffs;
- C. Defendants be awarded their costs and attorney fees; and
- D. Defendants be awarded such other relief to which they are entitled, including, but not limited to, sanctions and costs.

## COUNT III

### **SILENT FRAUD BY ALL DEFENDANTS**

- 38. Defendants hereby incorporate by reference all preceding paragraphs.

39. Paragraph 39 contains a legal conclusion that requires no response. To the extent that a response is required, Defendants deny the allegations in Paragraph 39 for reason that they are untrue.

40. Defendants deny as untrue the allegations in Paragraph 40.

41. Defendants deny as untrue the allegations in Paragraph 41.

42. Defendants deny as untrue the allegations in Paragraph 42.

43. Paragraph 43 contains a legal conclusion that requires no response. To the extent that a response is required, Defendants deny the allegations in Paragraph 43 for reason that they are untrue.

WHEREFORE, Defendants respectfully request that:

- A. The Complaint be dismissed with prejudice as to Defendants;
- B. A judgment of no cause of action be awarded in Defendants' favor and against Plaintiff;
- C. Defendants be awarded their costs and attorney fees; and
- D. Defendants be awarded such other relief to which they are entitled, including, but not limited to, sanctions and costs.

#### COUNT IV

#### **CIVIL CONSPIRACY BY ALL DEFENDANTS**

44. Defendants hereby incorporate by reference all preceding paragraphs.

45. Defendants deny as untrue the allegations in Paragraph 45.

46. Defendants deny as untrue the allegations in Paragraph 46.

47. Defendants deny as untrue the allegations in Paragraph 47.

48. Defendants deny as untrue the allegations in Paragraph 48.

49. Paragraph 49 contains a legal conclusion that requires no response. To the extent that a response is required, Defendants deny the allegations in Paragraph 49 for reason that they are untrue.

WHEREFORE, Defendants respectfully request that:

- A. The Complaint be dismissed with prejudice as to Defendants;
- B. A judgment of no cause of action be awarded in Defendants' favor and against Plaintiff;
- C. Defendants be awarded their costs and attorney fees; and
- D. Defendants be awarded such other relief to which they are entitled, including, but not limited to, sanctions and costs.

## COUNT V

### **NEGLIGENCE OF EXPLORE INDUSTRIES, INC.**

50. Defendants hereby incorporate by reference all preceding paragraphs.

51. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 51.

52. Paragraph 52 contains a legal conclusion that requires no response.

53. Paragraph 53 contains a legal conclusion that requires no response. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53.

54. Paragraph 54 contains a legal conclusion that requires no response. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 54.

55. Paragraph 55 contains a legal conclusion that requires no response. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 55.

56. Paragraph 56 contains a legal conclusion that requires no response. To the extent a response is required, Defendants deny the allegations in Paragraph 56 for reason that they are untrue.

57. Paragraph 57 contains a legal conclusion that requires no response. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 57.

WHEREFORE, Defendants respectfully request that:

- A. The Complaint be dismissed with prejudice as to Defendants;
- B. A judgment of no cause of action be awarded in Defendants' favor and against Plaintiff;
- C. Defendants be awarded their costs and attorney fees; and
- D. Defendants be awarded such other relief to which they are entitled, including, but not limited to, sanctions and costs.

## COUNT VI

### **NEGLIGENT MISREPRESENTATION BY EXPLORE INDUSTRIES, INC.**

- 58. Defendants hereby incorporate by reference all preceding paragraphs.
- 59. Paragraph 59 contains a legal conclusion that requires no response. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 59.
- 60. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 60.
- 61. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 61.
- 62. Paragraph 62 contains a legal conclusion that requires no response. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 62.
- 63. Paragraph 63 contains a legal conclusion that requires no response. To the extent a response is required, Defendants deny the allegations in Paragraph 63 for reason that they are untrue.

WHEREFORE, Defendants respectfully request that:

- A. The Complaint be dismissed with prejudice as to Defendants;
- B. A judgment of no cause of action be awarded in Defendants' favor and against Plaintiff;
- C. Defendants be awarded their costs and attorney fees; and

D. Defendants be awarded such other relief to which they are entitled, including, but not limited to, sanctions and costs.

Respectfully submitted,  
MICHIGAN JUSTICE, PLLC

/s/ Goran Antovski  
Goran Antovski (P75898)  
*Attorney for Defendants Bell and  
Construction Contractors, LLC*

Dated: April 29, 2024



Michigan Justice, PLLC  
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Document received by the MI Macomb 16th Circuit Court.

STATE OF MICHIGAN  
16th JUDICIAL CIRCUIT COURT OF MACOMB COUNTY

ALEX BOYD and REBECCA BOYD, Husband  
and Wife,

Case No.: 2023-003864-CZ  
Hon. Kathryn A. Viviano

Plaintiffs,

v

Defendants Bell and Construction  
Contractors' Affirmative Defenses

BRANDON HEITMANN, et al.,

Defendants.

John F. Harrington (P40443)  
Law Offices of John F. Harrington  
*Attorney for Plaintiffs*  
30500 Van Dyke Ave., Ste. 200  
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Tyler P. Phillips (P78280)  
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Kotz Sangster Wysocki PC  
*Attorneys for Defendants Heitmann and  
Pisarski*  
400 Renaissance Ctr., Ste. 3400  
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Justin M. Majewski (P85095)  
Michigan Justice, PLLC  
*Attorneys for Defendants Bell  
and Construction Contractors LLC*  
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Jerry A. Lascoe (P56482)  
Christina A. Horn (P76476)  
Lascoe & Horn, PC  
*Attorneys for Defendant Grandchamp*  
103 South Street  
Rochester, MI 48307  
(248) 651-1801  
jlascoe@lascoehorn.com

**DEFENDANTS BELL AND CONSTRUCTION CONTRACTORS'**  
**AFFIRMATIVE DEFENSES**

Defendants Henry Bell and Construction Contractors, LLC (“Defendants”), by and through their attorney, Goran Antovski of Michigan Justice, PLLC, incorporate by reference all of the allegations in the above answer and further allege by way of affirmative defense:

1. Defendants reserve the right to add any further affirmative defenses that may come to their attention through the course of their investigation and discovery up until the time of trial;
2. Defendants hereby incorporate by reference each and every affirmative defense raised by every other party to this litigation, regardless of whether or not that party is still a party at the time of trial;
3. This Court lacks subject matter jurisdiction over this matter, in whole or in part, for several reasons, including, but not limited to, the following
  - a. This Court lacks subject matter jurisdiction over this matter because the amount in controversy does not exceed \$25,000;
4. Plaintiffs’ claims are barred because another action has been initiated between the same parties involving the same claim;
5. Plaintiffs’ claims are barred based on fraud;
6. Plaintiffs’ claims are barred based on contributory negligence;
7. Plaintiffs’ claims are barred based on the existence of an agreement to arbitrate;
8. Plaintiffs’ claims are barred based on assumption of the risk;
9. Plaintiffs’ claims are barred based on payment;
10. Plaintiffs’ claims are barred based on release;
11. Plaintiffs’ claims are barred based on satisfaction;
12. Plaintiffs’ claims are barred based on discharge;
13. Plaintiffs’ claims are barred based on license;
14. Plaintiffs’ claims are barred based on the application of the statute of frauds;
15. Plaintiffs’ claims are barred based on want or failure of consideration;



16. Plaintiffs' claims are barred based on the fact that the instrument at issue is void, voidable, or cannot be recovered on by reason of statute or nondelivery;
17. Plaintiffs' claims are barred based on the fact that the transaction at issue is void, voidable, or cannot be recovered on by reasons of statute or nondelivery;
18. Plaintiffs' claims may be barred based on the doctrines of equitable and/or judicial estoppel, collateral estoppel, and/or res judicata;
19. Plaintiffs have failed to state a claim on which relief can be granted;
20. Plaintiffs' claims are moot;
21. Plaintiffs lack standing;
22. Plaintiffs' claims are not ripe;
23. Defendants did not owe a duty to the Plaintiffs, by contract or otherwise;
24. Plaintiffs have failed to mitigate his damages;
25. Plaintiffs' claims may be barred based on consent;
26. Plaintiffs' claims may be barred based on Plaintiffs' antecedent breach of contract;
27. Plaintiffs' claims may be barred based on a failure of a condition precedent;
28. Plaintiffs' claims may be barred based on a failure of a condition subsequent;
29. Plaintiffs' claims may be barred based on a failure to join a necessary or indispensable party;
30. Plaintiffs' claims may be barred based on a failure of a condition precedent to making claim or filing suit;
31. Plaintiffs' claims may be barred based on a condition subsequent that precludes Plaintiffs from making a claim or filing suit;
32. Plaintiffs' claims may be barred based on the doctrine of laches;
33. Plaintiffs' claims may be barred based on justification;
34. Plaintiffs' claims may be barred based on the doctrine of unclean hands;

35. Plaintiffs' claims may be barred based on the wrongful conduct rule;

36. Plaintiffs' claims may be barred based on waiver.

WHEREFORE, Defendants respectfully request that:

- A. The Complaint be dismissed with prejudice as to Defendants;
- B. A judgment of no cause of action be awarded in Defendants' favor and against Plaintiff;
- C. Defendants be awarded their costs and attorney fees; and
- D. Defendants be awarded such other relief to which they are entitled, including, but not limited to, sanctions and costs.

Respectfully submitted,  
MICHIGAN JUSTICE, PLLC

/s/ Goran Antovski  
Goran Antovski (P75898)  
*Attorney for Defendants Bell and  
Construction Contractors, LLC*

Dated: April 29, 2024



STATE OF MICHIGAN  
16th JUDICIAL CIRCUIT COURT OF MACOMB COUNTY

ALEX BOYD and REBECCA BOYD, Husband  
and Wife,

Case No.: 2023-003864-CZ  
Hon. Kathryn A. Viviano

Plaintiffs,

v

Defendants Bell and Construction  
Contractors' Jury Demand

BRANDON HEITMANN, et al.,

Defendants.

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**DEFENDANTS BELL AND CONSTRUCTION CONTRACTORS' JURY DEMAND**

Defendants Henry Bell and Construction Contractors, LLC, through their attorneys  
Michigan Justice, PLLC, demand a trial by jury in this matter and rely on Plaintiffs' filing of same

Respectfully submitted,  
MICHIGAN JUSTICE, PLLC

/s/ Goran Antovski  
Goran Antovski (P75898)  
*Attorney for Defendants Bell and  
Construction Contractors, LLC*

Dated: April 29, 2024

**PROOF OF SERVICE**

I served the foregoing document upon the attorneys of record and/or parties in this case on April 29, 2024. I declare the foregoing statement to be true to the best of my information, knowledge and belief.

- |   |                                    |
|---|------------------------------------|
| <input type="checkbox"/> U.S. Mail            | <input type="checkbox"/> Fax       |
| <input type="checkbox"/> Hand Delivered       | <input type="checkbox"/> Messenger |
| <input type="checkbox"/> Federal Express Mail | X Other: Efile                     |

/s/ Goran Antovski  
Goran Antovski